

1 MWCN
2 Thomas D. Boley, ESQ.
3 Nevada Bar No. 11061
4 **BOLEY & ALDABBAGH, LTD.**
5 4570 S. Eastern Ave. Ste 28
6 Las Vegas, NV 89119
7 Phone: 702 435 3333
8 Facsimile: 702 475 6567
9 Email: t.boley@bandafirm.com
10 *Attorney for Defendant*

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
vs.
JOSE LUIS MONTOYA,
Defendant

CASE NO.: 2:18-CR-00233-KJD-NJK

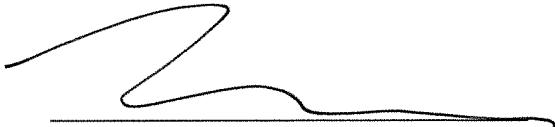
**MOTION AND PROPOSED ORDER TO
WITHDRAW AS COUNSEL OF RECORD**

HEARING REQUESTED

MOTION TO WITHDRAW AS COUNSEL -AND- REQUEST FOR HEARING

COMES NOW, Thomas D. Boley, attorney of record for Defendant, **JOSE LUIS MONTOYA**, hereby files the instant motion to withdraw as attorney of record. This motion is made and based upon the attached Points and Authorities, the affidavit of Thomas D. Boley, Esq., the papers, and pleadings on file herein, together with the arguments of counsel to be heard at the time of the hearing on this matter.

DATED this 7 day of September, 2023.


THOMAS D. BOLEY, ESQ.
Attorney for Defendant

NOTICE OF MOTION

TO: UNITED STATES OF AMERICA, Plaintiff,

TO: JOSE LUIS MONTOYA, Defendant;

YOU AND EACH OF YOU will please take notice that a **MOTION TO WITHDRAW AS
COUNSEL** will come on for hearing before the above-entitled Court on the _____ day of
2023, at the hour of _____ a.m. / p.m. in Department _____.

DATED this 8 of September, 2023.

Thomas D. Boley, Esq.
Nevada State Bar No. 11061
4570 S. Eastern Ave. Ste 28
Las Vegas, Nevada 89119
Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

A. Applicable Law

Pursuant to Local Rule IA 11-6, S.C.R 46, and N.R.P.C 1.16 (b)(1) and (7) of the Rules of United States District Court, District of Nevada states that the Court can enter an Order allowing withdrawal of an attorney unless it would delay the trial or hearing of other matters in the case. On the subject of terminating representation of a client, the Nevada Rules of Professional Conduct provide:

Rule 1.16 Declining or Terminating Representation

(b) Except as stated in paragraph C, a lawyer may withdraw from representing a client if:

(1) Withdrawal can be accomplished without material adverse effect on the interests of the client.

1 (2) The client persists in a course of action involving the lawyer's services that the
2 lawyer reasonably believes in criminal or fraudulent.

3 (3) The client has used the lawyer's services to perpetrate a crime or fraud.

4 (4) A client insists upon taking action that the lawyer considers repugnant or with
5 which the lawyer has fundamental disagreement.

6 (5) The client fails substantially to fulfill an obligation to the lawyer regarding the
7 lawyer's services and has been given reasonable warning that the lawyer will
8 withdraw unless the obligation is fulfilled,

9 (6) The representation will result in an unreasonable financial burden on the lawyer
10 or has been rendered unreasonably difficult by the client; or

11 (7) Other good cause for withdrawal exists.

12 **B. Pertinent Facts**

13 Mr. Jose Luis Montoya has not retained Mr. Thomas D. Boley, Esq. regarding his alleged
14 parole violation and Mr. Montoya has requested my withdrawal.

17 **CONCLUSION**

18 For the reasons set forth above, Mr. Boley respectfully moves this Court enter an Order
19 approving the withdrawal of Mr. Boley as the representing attorney for Jose Luis Montoya in the
20 instant matter.

22 DATED this 8 day of September 2023.



25 Thomas D. Boley, Esq.
26 Nevada Bar No.: 11061
27 Phone: (702) 435-3333
28 *Attorney for Defendant*

AFFIDAVIT OF THOMAS D. BOLEY

I, THOMAS D. BOLEY, being first duly sworn, deposes and says:

1. That I am a licensed attorney practicing law in the State of Nevada and that I represent the Defendant, JOSE LUIS MONTOYA, in the above-entitled case.
2. That I have personal knowledge of the facts contained in this Affidavit and am competent to testify as to those facts.
3. That affiant entered into an agreement with the Defendant regarding requiring his full cooperation, including updating the affiant with current contact information, and with participating in the prosecution of his case.
4. That the defendant contacted our office requesting my withdrawal of his case.
5. That the last known addresses of Defendants are:
3485 N. Nellis Blvd.
TRRL 27
Las Vegas, Nv. 89115
Phone Number: 702-782-7102
6. That a copy of this motion has been mailed to the Defendant at his last known address and attempts to contact him have been made.
7. That no delay in the trial or hearing of other matters in the case will result if this Motion to Withdraw is granted.

Dated this 8 day of September, 2023

THOMAS D. BOLEY, ESO.

Case No. 2:18-CR-00233-KJD-NJK

1
2
3 **CERTIFICATE OF SERVICE**
4
5

6 I hereby certify that on the 7 day of September, 2023, I mailed a copy of the foregoing
7 **MOTION TO WITHDRAW AS COUNSEL -AND- REQUEST FOR HEARING** in a sealed
envelope, to the following counsel of record and that postage was fully prepaid thereon **OR** this
document was served via E-Service:

8
9 JASON M. FRIERSON
10 Unites States Attorney
Nevada Bar No. 7709
11 Mina Chang
12 Assistant Unites States Attorney
501 Las Vegas Boulevard South , Suite 100
13 Mina.chang@usdoj.gov

14 3485 N. Nellis Blvd.
TRRL 27
15 Las Vegas, Nv. 89115

16
17
18 Employee of Boley & Aldabbagh
19
20
21
22
23
24
25
26
27
28



ORD

Thomas D. Boley
Nevada Bar No.: 11061

BOLEY & ALDABBAGH, LTD.

4570 S. Eastern Ave., Ste 28

Las Vegas, Nevada 891019P

Facsimile: 702 475 6567

Fax: 702 475 6507
Email: t.bolay@bendafirm.com

Ellian. t.boley@bandamill.com
Attorney for Defendant

Attorney for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO.: 2:18-CR-00233-KJD-NJK

JOSE LUIS MONTOYA.

Defendant

**ORDER GRANTING ATTORNEY'S MOTION TO WITHDRAW AS COUNSEL OF
RECORD**

Attorney Thomas Boley filed a Motion to Withdraw as Counsel of Record on September 8, 2023. The Court having read and considered attorney Thomas Boley's Motion to Withdraw as

1 Attorney of Record, and no Opposition being on filed, the Motion to Withdraw as Counsel is hereby
2 GRANTED.

3 The last known telephone number and addresses of the Defendants are:

4 3485 N. Nellis Blvd.
5 TRRI 27
6 Las Vegas, NV., 89115

7 IT IS SO ORDERED, ADJUGED AND DECREED.

8 DATED this 26th day of October, 2023.



9
10
11 KENT J. DAWSON
12 UNITED STATES DISTRICT JUDGE
13

14 Respectfully Submitted By:
15
16
17

18 Thomas D. Boley, Esq.
19 Email: t.boley@bandafirm.com
20 Nevada State Bar No. 11061
21 BOLEY & ALDABBAGH
22 4570 S. Eastern Ave. #28
23 Las Vegas, Nevada 89119
24
25
26
27
28

